

REMARKS

Prior to entry of this amendment, claims 1-10 are currently pending in the subject application. By the instant amendment, claims 11-19 are added. Claims 1, 4 and 15 are independent.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further appreciate the Examiner's acceptance of the drawings filed on January 15, 2004.

Applicants further appreciate the Examiner's consideration of applicants' Information Disclosure Statements filed on January 15, 2004, June 29, 2004, and April 1, 2005.

Claims 1-19 are presented to the Examiner for further or initial prosecution on the merits.

A. Introduction

In the outstanding Office action, the Examiner rejected claims 1, 2, 4, 5 and 7-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,019,457 to Silverbrook et al. (hereinafter "the Silverbrook et al. reference"), and rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over the Silverbrook et al. reference in view of U.S. Patent No. 6,676,246 to Anderson et al. (hereinafter "the Anderson et al. reference").

B. Asserted Anticipation Rejection of Claims 1, 2, 4, 5 and 7-10

In the outstanding Office action, the Examiner rejected claims 1, 2, 4, 5 and 7-10 under 35 U.S.C. § 102(b) as being anticipated by the Silverbrook et al. reference. Applicants respectfully traverse this rejection, and submit that the Examiner failed to set forth a *prima facie* case of anticipation with respect to the rejected claims for at least the reasons set forth below.

Claim 1 recites, in part, “wherein the first and second heaters are positioned symmetrically around a center of the nozzle, and one of the first and second heaters is positioned adjacent to the ink channel.” In the outstanding Office action, the Examiner asserted that the Silverbrook et al. reference discloses this claim element. In particular, the Examiner asserted that this claim element is shown in FIG. 17 of the Silverbrook et al. reference. *Office action of January 10, 2006, at paragraph 4, page 3.* Applicants respectfully disagree, and submit that the Silverbrook et al. reference fails to disclose, or even suggest, one of the first and second heaters positioned adjacent to the ink channel.

In FIG. 17 of the Silverbrook et al. reference, element 120 indicates, jointly, heaters 121 and 122, and element 114 indicates an ink channel. However, it is apparent from FIG. 17 that neither of the heaters 121, 122 are adjacent to the ink channel 114. In particular, applicants note that heaters 121, 122 are disposed *opposite* the ink channel 114. That is, both heaters 121, 122 are separated from the ink channel 114 by the length of the ink chamber. Moreover, the ink channel 114 is disposed at some distance from the heaters 121, 122, as indicated in FIG. 17 by the ink channel 114 being illustrated in a lower, separate part of the drawing. Accordingly, applicants respectfully submit that neither of the heaters are adjacent to the ink channel, as recited in claim 1. Therefore, applicants respectfully submit that the Silverbrook et al. reference fails to anticipate claim 1.

Independent claim 4 recites the same claim element discussed above, and the remaining rejected claims, viz., claims 2, 5 and 7-10 depend from claims 1 and 4. Accordingly, applicants respectfully submit that these claims are allowable for at least the reasons set forth above

regarding claim 1. Therefore, applicants respectfully request that this rejection be reconsidered and withdrawn.

C. Asserted Obviousness Rejection of Claims 3 and 6

In the outstanding Office action, the Examiner rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over the Silverbrook et al. reference in view of the Anderson et al. reference. Applicants respectfully traverse this rejection. Claims 3 and 6 depend from independent claims 1 and 4, respectively. Applicants respectfully submit that the Anderson et al. reference fails to provide the teachings noted above as missing from the Silverbrook et al. reference. Accordingly, applicants respectfully submit that claims 3 and 6 are allowable over the proposed combination of the Silverbrook et al. and Anderson et al. references for at least the reasons set forth above with respect to claims 1 and 4. Therefore, applicants respectfully request that this rejection be reconsidered and withdrawn.

D. New Claims

Claims 11-19 are added by the instant amendment and recite additional aspects of the present invention. Claims 11-13 depend from claim 1, and claim 14 depends from claim 4. Claim 15 is independent, and claims 16-19 depend from claim 15. No new matter is added. Support for claims 11-19 may be found in the application as originally filed, e.g., in FIGS. 5-8 and in paragraphs [0057]-[0062] of the specification. Applicants respectfully submit that claims 11-19 are allowable over the cited prior art references. Applicants respectfully request entry and examination of these claims.

E. Conclusion


If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.